

# New Mine Inspection Report Form Approved

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At its July 11, 2013, regular board meeting, the State Mining and Geology Board approved the new and improved mine Inspection Report Form MRRC-1. The new inspection report form has since “gone live,” and is available for this year’s inspection season. The new form can be downloaded and saved as a “fill and print” pdf file and is located at the following URL, or website: <http://www.conservation.ca.gov/omr/SMARA%20Mines/Documents/FINAL.7-29-13-%20Fill%20and%20Print%20with%20Changes%20-%20MRRC-1.pdf>.

The new inspection report form is little changed with the exception of Section VIII (previously Section VII), which deals with the mining operation’s compliance with its approved reclamation plan. The previous form included 10 checkboxes that corresponded to the reclamation performance standards of the Surface Mine and Reclamation Act’s (SMARA) California Code of Regulations, § 3700. For each performance standard, the inspector was to check OK, VN (violation noted), NI (not inspected), or NA (not applicable), as determined during the inspection.

Section VIII now lists common requirements of reclamation plans for inspectors to use as a checklist template. This allows the inspector to enter a complete and detailed listing of specific reclamation requirements for the site being inspected, and note the condition/compliance for each requirement. Specific reclamation plan requirements—including those that reside in regulatory documents (e.g., use permit, waste discharge requirement, other CEQA document, etc.)—have been listed for the first time on the new form. After its initial compilation, the list can become standard for a particular mine and reused for future compliance inspections, saving inspection preparation time. Of course, a reclamation plan amendment may require adjusting the list depending on the nature and extent of the amendment(s).

In the short time since the form has been released, the OMR has received many questions regarding Section VIII. Following are those most frequently asked:

## ***Should violations of conditions of approval be included on the new form?***

Yes, Violations of conditions of approval should be included on the inspection report form when the conditions violated are embodied in the reclamation plan directly or by reference. For instance, a violation of conditions of approval such as noise, dust, or truck routing, are not typically addressed in a reclamation plan, and should not be listed in Section VIII.

## ***How should Section VIII of the form be filled out?***

The following is an example of how Section VIII could be used. Reclamation plan requirements listed in the plan, and those included in the reclamation plan by reference (in this example, from the conditional use permit), are indicated by RP and CUP, respectively.

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (To be completed prior to the field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)
<b>3) Slopes – Grading</b>	--	--
a) Fill Slopes – Note Condition of:	--	--
i) Slopes – Working (max/current)	NA	
ii) Slopes – Reclaimed	Final fill slopes to be 2:1 (RP)	Fill slopes will not be constructed until reclamation begins
iii) Compaction	Final fill slopes to be track walked by dozer in 12 inch lifts (RP)	Fill slopes will not be constructed until reclamation begins
b) Cut Slopes – Note Condition of:	--	--
i) Slopes – Working (max./current)	Max working cut slope to be 0.5:1 (CUP)	Working cut slopes were measured to be less than 0.5:1
ii) Slopes – Reclaimed	Reclaimed cut slopes to be 2:1 (RP)	Final slopes at southern end of site were measured and found to be 2:1; other final slopes appeared to be 2:1.

The new MRRC-1 inspection report form was approved by the State Mining and Geology Board on July 11, 2013, to take effect immediately. The new form must now be used for all inspections. Where geotechnical assessments must be made as part of the inspection, the form must be completed by a registered professional engineering geologist or geotechnical engineer.

In conclusion, the new inspection report form should result in effective inspection reports and, after the first use for each mine, save the inspector time in preparing for and conducting thorough inspections in the future.

**“Inspection Notice” sidebar**—In addition to the inspection report form, an inspection notice must be included with each inspection report submitted to the OMR. Per Public Resources Code § 2774(b), *“The lead agency shall notify the director within 30 days of the date of completion of the inspection that the inspection has been conducted. The notice shall contain a statement regarding the surface mining operation’s compliance with this chapter, shall include a copy of the completed inspection form, and shall specify which aspects of the surface mining operations, if any, are inconsistent with this chapter.”*

The inspection notice is a critical element in determining which operations will be on or off the AB 3098 list. The criteria for AB 3098 status are based on what is indicated on the annual

report and inspection notice. With respect to the inspection notice, Public Resources Code § 2717(b) states, *“For purposes of ensuring compliance with Sections 10295.5 and 20676 of the Public Contract Code, the department shall, at a minimum, quarterly publish in the California Regulatory Notice Register, or otherwise make available upon request to the Department of General Services or any other state or local agency, a list identifying...Surface mining operations for which an inspection is required and for which an **inspection notice** has been submitted by the lead agency pursuant to Section 2774 that indicates both compliance with the approved reclamation plan and that sufficient financial assurances, pursuant to Section 2773.1, have been approved and secured.”* An inspection report submitted to the OMR without this notice, will not be considered by the OMR to meet the requirements of § 2774(b).

A copy of a sample inspection notice form can be downloaded from the OMR’s website at: [http://www.conservation.ca.gov/omr/SMARA%20Mines/reporting\\_compliance/Documents/Inspection%20Notice%20Form\\_Final\\_073113%20fill%20and%20print.pdf](http://www.conservation.ca.gov/omr/SMARA%20Mines/reporting_compliance/Documents/Inspection%20Notice%20Form_Final_073113%20fill%20and%20print.pdf).